IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2186 of 1999
With
SPECIAL CIVIL APPLICATION No. 2187 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAKHUBHAI MANJIBHAI & 1 - Petitioner(s)

Versus

STATE OF GUJARAT & 5 - Respondent(s)

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Appearance :
MR NV ANJARIA for Petitioner(s) : 1 - 2.
MR SIRAJ GORI AGP for Respondent(s) : 1 - 3.
RULE SERVED for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 4,
MR CH VORA for Respondent(s) : 5 - 6.
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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 07/12/2005

ORAL JUDGMENT

1. Learned advocates appearing for the parties submit that the question of acceptance of resignation and its subsequent withdrawal which is a subject matter in the present petition has become infructuous and one of the

academic interest by passage of time.

2. Learned advocate appearing for the parties pointed out that in order dated 30th March, 1999, learned Single Judge of this Court while confirming the interim relief granted earlier provided that whatever decision is taken by the Municipality in its meeting which is fixed today or subsequently, shall be subject to the decision of these two writ petitions. Pursuant to the interim protection granted by this Court budget of the municipality was passed without participation of the two Councillors who had resigned but subsequently sought to withdraw the resignations. No useful purpose will be served in reopening past enclosed transactions. By way of abandon caution, therefore, it is provided that the business transacted by the municipality will not be open to scrutiny merely on account of disposal of the petition. The petition is disposed of as having become infructuous. Rule is discharged. No order as to costs.

(Akil Kureshi, J.)

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